



Community Development Department  
111 North 100 East  
Washington City, UT 84780  
Phone (435) 656-6325  
Fax (435) 656-6371  
www.washingtoncity.org

---

**Minutes**  
**WASHINGTON CITY PLANNING COMMISSION**  
**October 2, 2013**

---

Present: Commission Schofield, Commissioner Smith, Commissioner Shepherd, Commissioner Williams, Commissioner Papa, Commissioner Martinsen, Attorney Jeff Starkey, Councilman Staheli, Mike Shaw, Drew Ellerman, Kathy Spring, Craig Manwaring, Doug Dennett, Karl Rasmussen, Teresa Turner, Morton Turner, Prisilla Cahoon, Patricia Christensen, Lynn Bergen, Larry Bergen, Michael corrigeux, Brian Neville.

Meeting Called to Order: 5:34 PM

Invocation: Commissioner Papa

Pledge of Allegiance: Commissioner Smith

1. APPROVAL OF AGENDA
  - A. Approval of the agenda for October 2, 2013.  
Commissioner  
Commissioner  
Motion passed unanimously.
2. APPROVAL OF MINUTES
  - A. Minutes from September 18, 2013 not available at this time.
3. DECLARATION OF ABSTENTIONS & CONFLICTS

None
4. ZONE CHANGE
  - A. Public Hearing for consideration and recommendation to City Council for a Zone Change Z-13-11 from PUD to R-3 located at approximately North West Corner of 100 South 100 West. Applicant: Brian Neville

**Background**

Drew Ellerman stated the applicant is requesting approval to change the zoning of approximately 0.275 acres, located at the northwest corner of 100 South and 100 West. The requested change is from the current zoning of Planned Unit Development (PUD) to a proposed Multiple-Family Residential (R-3) zoning designation.

The General Plan Land Use Map designation for this location is Medium-High Density Residential (MHD) which allows for density ratios of 7 to 12 dwelling units per acre.

The dwelling unit ratio on this proposed development is 11 dwelling units per acre. The surrounding zoning districts are PUD to the north and west, R-1-6 to the east and south. The applicant is wishing to rezone this particular area to the R-3 zoning designation to build a tri-plex on the property that will remain in a single ownership as an investment and to be rented out. The Millcreek Townhome development borders this proposed project at the west boundary line. That development is a twin home / townhome subdivision.

Staff has reviewed the proposal, it does fall within the dwelling unit ratio as per the General Plan Land Use plan, yet is on the high side of that ratio. The target clients for this development would most likely be elderly, retired folks who would appreciate the smaller yards and close proximity to their neighbors. Staff just feels a little uncertain about the three units in this particular area.

Yet with the proposal falling within the dwelling unit per acre ratio, it does meet the criteria for the Medium High Residential Density, thus staff would be willing to support the request due to the multi-family development to the west and the close proximity to several commercial businesses to the north and northeast.

### **Recommendation**

Staff recommends that the Planning Commission recommend approval of Z-13-11, for the zone change request from Planned Unit Development (PUD) to Multiple-Family Residential (R-3), to the City Council, based on the following findings:

### **Findings**

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. That the requested zoning will be compatible with surrounding developments.
3. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Commissioner Schofield asked what the ramifications if any of changing from PUD to R-3 if this didn't get built, could there be commercial. Also is there a parking issue with on street parking?

Mr. Ellerman stated there are not any ramifications with changing the zone to R-3 the current General Plan wouldn't allow for commercial. The PUD was zoned when Millcreek Townhomes came in.

Commissioner Papa asked if the lot has always been vacant.

Mr. Ellerman stated yes. This PUD didn't have a plan for this lot it appears it came in with the Millcreek Townhome project. He stated after the Planning Commission meeting it will go to City council in three weeks. After that Meeting the zone change is in affect and they can turn in for a building permit. If there were 4 units they would have to come in for a Conditional Use Permit per the ordinance. He stated he wasn't sure why 4 perhaps to address parking. As far as parking there are two visitor parking spaces, the garages are a little wider than normal size garages with parking on the driveway.

Commissioner Williams asked if these were townhomes would they have to come in for zone change.

Mr. Ellerman stated they would still have to come in. The other option is a Minor Subdivision if the lot is divided into lots.

Commissioner Shepherd asked if the garages are single plus half and another visitor parking so each unit would have two and half parking. If there are two cars but only one car can fit is there enough parking.

Brian Neville stated the garages are 20x20 and would accommodate two cars. The driveway will be 16 to 18 feet wide. He stated he is a builder and has been doing little projects like this for about the last 10 years.

Commissioner Papa asked about the bedrooms.

Mr. Neville stated 3 bedroom 2 bathrooms the units would be about 1,200 sq foot.

Commissioner Williams asked if he manages them.

Mr. Neville stated yes. There is a criteria for the renters that have to be met. He would like to rent to old people or younger family.

Commissioner Smith asked for clarification of the third garage.

Mr. Ellerman showed the exhibit for the third garage.

Commissioner Shepherd asked about setbacks for this zone.

Mr. Ellerman stated they would have to meet the 20-foot on both frontage because this is a corner lot.

Commissioner Schofield opened the public hearing.

Patricia Christensen asked if there is any Federal Money for this project specifically section 8?

Larry Bergen stated he owns units 17 and 18 in the Millcreek Townhomes asked about street parking and if there are any restrictions. He stated he likes the project.

Commissioner Schofield stated it is a public street so there could be parking on the street.

Priscilla Cahoon stated she lives across the street from this project, she asked if this interferes with the irrigation water?

Teresa Turner stated her concern is parking. There are two homes that are used as college homes and there is parking already on the street. Red Desert Rental already uses the street for parking they also use Turner Auto and the Security Financial for parking. They have RVs parked along the street. She would prefer lesser units or two homes, one additional home would add two to three more cars.

Commissioner Schofield stated Red Desert Rentals appears to be in violation of parking so code compliance needs to be notified. As far as the Relief Society building is concerned, it is not a normal business as far as periodic parking.

Ms. Turner stated it is still used for parking and is too close Telegraph.

Commissioner Schofield asked if she prefer two homes instead of three units.

Ms. Turner stated yes. There is a home that is used as a college house.

Commissioner Papa asked about the college homes.

Mr. Turner stated they park along the street. There isn't enough guest parking this is just too many units for the area.

Commissioner Papa asked the developer if they are going to consider college students.

Lynn Burgan stated she owns unit 17 and 18, which is back to back with the visitor parking which is against the fence. The fence isn't that high. Her concern is the parking. They don't allow parking on their streets in the Millcreek subdivision. People park along 100 South and sometimes there are 18 wheelers that will park there.

Kelly Kendall stated he is the owner of the lot and he stated his concern is the Millcreek Townhomes being next to his home if he built a home because they park on his lot and on the street because they don't have visitor parking. He stated his intent was to build homes for older people and the landscaping will be nicely done. Their intent is to not rent to college students.

Commissioner Schofield asked if they would like to turn this into a parking lot and if there is any intent of section 8 funding.

Mr. Kendall stated no section 8 funding and no they wouldn't do a parking lot.

Commissioner Smith motioned to close the public hearing.

Commissioner Williams seconded the motion.

Motion passed unanimously.

Commissioner Schofield asked about irrigation

Mr. Neville stated they would have to do what is required by the city for the irrigation.

Commissioner Schofield asked Attorney Starkey what they could do with regards to section 8.

Attorney Starkey stated he has never heard of restriction to section 8 and would think it wouldn't be something they could recommend.

Commissioner Williams stated he has a section 8 and it is difficult to get into section 8 and is inspected regularly every 6 months. The section 8 projects aren't bad renters because they have to comply with restrictor rules. If they lose the right they never get it back.

Mr. Neville stated he hadn't heard of section 8 and as far as parking he would keep track of his rental properties and would take care of any problems that come up.

Commissioner Schofield stated that Mr. Neville has said the units could handle two cars.

Mr. Neville stated it would.

Commissioner Shepherd asked if the driveway could be wider.

Mr. Neville stated he wasn't sure if they could or not because of the approach requirement.

Commissioner Schofield stated his concern is if they couldn't park two cars on the driveway because the garage is full of stuff. He would rather require that a car be parked in the garage.

Commissioner Smith stated there appears to be 4 additional parking spaces off the street, he feels there is adequate parking, more than what is required.

Commissioner Schofield stated that with three commercial properties in the area he would not want this to compound the parking issue even though he doesn't think there is an issue other than the Red Desert Rental business and that is a code compliance issue.

Mr. Ellerman stated there are about 14 parking spaces total.

Commissioner Papa asked about Mrs. Cahoon irrigation question and if it runs on the south side?

Mr. Shaw stated that is correct. The project would have to do curb gutter and sidewalk so they would have to pipe the irrigation and Mrs. Cahoon would have access to irrigation.

Mr. Ellerman stated he would send a email to code compliance to Red Desert Rentals for a parking violation.

Commissioner Schofield stated this project appears to be a good option for this lot. Leaving it vacant would not be a good option.

Commissioner Papa asked about the home adjacent to this would they need to come in for a zone change to commercial.

Mr. Ellerman stated the General Plan would determine the zone.

**Commissioner Smith motioned to recommend approval to City Council with the findings and conditions of staff.**

**Commissioner Williams seconded the motion.**

**Motion passed unanimously.**

5. **PRELIMINARY PLAT**

- A. Public Hearing for consideration and recommendation to City Council for the Preliminary Plat Rusted Hills Phase 3,4 and 5 located at approximately 3300 South 900 East. Applicant: Dennett Construction

**Background**

Drew Ellerman stated the applicant is requesting approval of a preliminary plat for the Rusted Hills, Phases 3, 4 and

5 subdivision(s), located at approximately 800 East 3500 South. The applicant is wishing to develop 64 lots on an area covering 25.42 acres. The location of this particular project is split zoned, with Single-Family Residential - 15,000 square foot min. (R-1-15) (on the east boundary), and Residential / Agricultural - One acre min. (RA-1 acre), which will be utilizing the Bonus Density Program for density increase in that area.

The applicant is proposing to use the criteria options of; interconnectivity of internal streets (25%), interconnectivity of external streets (25%), mixed lot sizes (4 of them)(20%), preservation of landscaped open space (3%), connection toward the master trail system (10%), tree-lined streets (25%) and the miscellaneous category for partnering in with a regional detention basin for the area (15%). The total credits of 128% applied to the base 21.46 units (21.46 dwellings) with a possible additional 27.61 units (21.46 times 128%), will allow for a possible 49 dwelling units within this bonus density area. The applicant is proposing the 49 dwelling units in the bonus density portion of the proposed subdivision, along with an additional 8 dwelling units found in the area zoned R-1-15, for the total of 57 dwelling units for the entire proposed subdivision phases of Rusted Hills 3, 4 and 5.

The proposed subdivision conforms to the approved zoning designation and also meets the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

**Recommendation**

Staff recommends that the Planning Commission recommend approval of the Preliminary plat for the Rusted Hills, Phases 3, 4 and 5 subdivision(s) to the City Council, based on the following findings and subject to the following conditions:

**Findings**

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.

2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

**Conditions**

1. A preliminary and final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
  - A. A title report.
  - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

Commissioner Smith asked about the master trail and the detention basin in relation to the canal.

Mr. Ellerman stated there should be an easement. He indicated that between lot 4 and 5 there is a park access.

Mr. Shaw stated the trail is quite a bit further from this project.

Karl Rasmussen showed on the exhibit the project in relation to the trail.

Mr. Ellerman stated he would recommend that Ralph Staheli and the projects get together for an easement. He would recommend an additional condition to address an easement using the park access.

Commissioner Schofield asked Mr. Smith about another project near this project and the lot sizes.

Commissioner Smith stated the lots are about 15,000 to 16,000 sq foot lots. He stated he just wanted to address the trail system and the park with connectivity.

Commissioner Schofield asked for clarification of the connection to Phase 1 and 2.

Karl Rasmussen showed the exhibit showing phases next to phase 3,4 and 5.

Karl Rasmussen and Doug Dennett:

Doug Dennett stated they have an HOA now where they didn't before when the project came in and was denied approval.

Karl Rasmussen stated this is a good fit next to Coyote Gulch below.

Mr. Dennett stated he has met with Lester and Ralph and they talked about having a fishing pond and was told it would have to be 5 acres before the city would take it over.

Commissioner Schofield asked if they agree with the trail.

Mr. Dennett stated they like the trail system.

Commissioner Schofield asked what is the build out time

Mr. Dennett stated they will sell lots and the parade home is lot 10 in Rusted Hills. They will range from about \$69,900 and up. The half acre was \$89,000.

Commissioner Schofield opened the public hearing.

Craig Manwaring stated he lives on King Court and likes what this project brings to the area and keeping some of the lots at 15,000 sq feet that border along the existing homes. He asked if the pond is standing water?

Commissioner Smith stated if it is a detention pond there is standing water.

Michael Corrigeux stated his concern was with the prior plan with the lot sizes and this is now what they want. He felt that the concern with the water drainage has been taken care of with the detention basin.

Commissioner Smith stated with the development of the area and a regional detention area it takes care of drainage issues.

Mr. Manwaring asked if there is going to be a new General Plan showing all the changes.

Mr. Ellerman stated the one online is still correct. When there is a change it is updated online.

Commissioner Schofield stated the bond issue is in the works now for new schools. He recommended people support the bonding for additional schools in the upcoming election.

Mr. Ellerman stated the zone for phase 6 will be R-1-15 and doesn't see why it would change.

Commissioner Smith motioned to close the public hearing.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

**Commissioner Papa motioned to recommend approval to City Council with the findings and conditions with staff with adding condition #11 that the park access be 50 foot wide for a trail to be built to the North and South of the park access.**

**Commissioner Williams seconded the motion.**

**Motion passed unanimously.**

6. DISCUSSION ITEMS

A. Discussion of Legislative updates.

Attorney Jeff Starkey reviews the legislative updates. See attached to the minutes.

B. Vacation/Short Term Rentals

Item 6-B to be continued to the November 6, 2013 Planning Commission Meeting.

Commissioner Smith motioned to adjourn the Planning Commissioner meeting.

Commissioner Papa seconded the motion.

Motion passed unanimously.


Meeting adjourned: 8:20 PM

Washington City

Signed by:

  
Rick Schofield, Chairman

Attested to:

  
Kathy Spring, Zoning Technician